



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/682,339	10/10/2003	Laura Treibitz	22395.00	8713

7590 05/19/2004  
Richard C. Litman  
LITMAN LAW OFFICES, LTD.  
P.O. Box 15035  
Arlington, VA 22215

EXAMINER

FRANCIS, FAYE

ART UNIT PAPER NUMBER

3712

DATE MAILED: 05/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/682,339

**Applicant(s)**

TREIBITZ ET AL.

**Examiner**

Faye Francis

**Art Unit**

3712

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Lee.

Lee discloses in Figs 1-2, a message pocket on a doll [bear 10], comprising: a fabric shell [claim 1] defining an exterior surface a stuffed toy, a pocket flap 88 disposed on the fabric shell, the pocket flap forming a message pocket, and a message medallion [heart-beat simulator 12] removably contained within the pocket as recited in claim 1 and wherein the message medallion further comprises visual indicia [outer heart 96] disposed thereon as recited in claim 3.

3. Claims 1, 3-5 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Larian.

Larian discloses in Figs 1-9, a message pocket on a doll [toy bear 22], comprising: a fabric shell [claim 1] defining an exterior surface a stuffed toy, a pocket flap [pouch 28] disposed on the fabric shell, the pocket flap forming a message pocket, and a message medallion [game unit 24] removably contained within the pocket as recited in claim 1, wherein the message medallion further comprises visual indicia comprising a textural message [Figs 4B to 4M] disposed thereon as recited in claims 3 and 4. Additionally, Larian discloses a chain 48 that is inherently capable of being used

Art Unit: 3712

as a necklace [you can rap the chain around the neck of the toy bear] as recited in claims 5 and 7.

4. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Lewis.

Lewis discloses in Figs 1-6, a message pocket on a doll 2, comprising: a fabric shell 32 defining an exterior surface a stuffed toy, a transparent pocket flap 28 disposed on the fabric shell, the pocket flap forming a message pocket and a picture 10 which corresponds to the claimed message medallion removably contained within the pocket as recited in claim 1 and wherein the message medallion further comprises visual indicia disposed thereon as recited in claim 3.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis.

Lewis discloses most of the elements of this claim.

Lewis does not disclose a specific use of a textual message. Although, Lewis does disclose that instead of a picture a sheet showing details of the owner of the doll may be used [paragraph 0042]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provided the device of Lewis with the textual message such as name, telephone number, etc in order to assist in identifying children or returning the doll if lost.

Art Unit: 3712

7. Claims 1-2 and 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis in view of Matos.

Lewis discloses in Figs 1-6, a message pocket on a doll 2, comprising: a fabric shell 32 defining an exterior surface a stuffed toy, a transparent pocket flap 28 disposed on the fabric shell, the pocket flap forming a message pocket.

Lewis does not disclose a necklace affixed to a message medallion as recited in claim 5, wherein the necklace comprises at least one length of ribbon as recited in claim 6 and wherein the necklace comprises at least one length of chain as recited in claim 7.

Matos teaches the concept of providing a toy medallion [universal connector 150] including tongue members [151 and 152] and slots [153 and 154], which form a strip [ribbon], chain or necklace such that a user can wear the medallion and necklace. It would have been obvious to provided the device of Lewis with the medallion as taught by Matos for the purpose of enhancing the play value of the doll especially since Lewis discloses that any object such as a picture or a small toy can be stored within it's pockets.

8. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Larian in view of Hooper.

Larian discloses most of the elements of this claim but for the necklace comprises at least one length of ribbon.

Hooper teaches that it is conventional to attach a toy [abstract line 6] to a body utilizing a ribbon. It would have been obvious in view of Hooper to replace the chain in

Art Unit: 3712

the device Larian with ribbon in order to avoid lost, especially since both will perform the same function of attaching the toy to the body, if one is replaced with the other.

9. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

#### ***Conclusion***

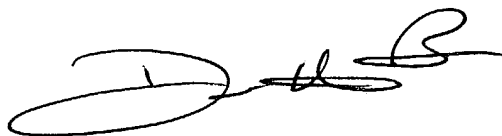
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faye Francis whose telephone number is 703-306-5941. The examiner can normally be reached on M-F 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on 703-308-1745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3712

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FF

A handwritten signature in black ink, appearing to read 'D. Banks', with a large, stylized initial 'D' and a flourish at the end.

DERRIS H. BANKS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700